

REMARKS

Summary of the Office Action

In the Office Action, the drawings, claims and specification are objected to for certain informalities.

Claims 4 and 5 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 3-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,014,084 to *Mochizuki, et al.*, ("*Mochizuki*").

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,791,543 to *Udagawa, et al.*, ("*Udagawa*").

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Udagawa*.

Summary of the Response to the Office Action

Applicant has amended claims 1-5 and the specification. Figs. 13 and 14 have been added to the specification. No new matter has been introduced. Support for the amendments to claims 1-5 and the figures is provided in the specification at page 13, lines 1-8. Accordingly, claims 1-5 are presently pending.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement on February 10, 2006.

Applicant thanks the Examiner for acknowledging the Information Disclosure Statement by initialing the PTO 1449 form and returning a copy to Applicant.

Objection to the Drawings

To overcome the Office Action's objection of the drawings, Applicant concurrently files herewith a Submission of Replacement Drawings with fourteen (14) sheets of replacement drawings to substitute for the originally filed drawing sheets. Figs. 13 and 14 (sheets 13-14) are added to show right and left clinch cams out of phase with each other. Support for the new drawings are found that page 13, lines 1-8 of the Applicant's specification as originally filed. No new matter has been introduced. Applicant respectfully requests that the objection to the drawings be withdrawn.

All Subject Matter Complies With 35 U.S.C. § 112, first paragraph

The Office Action rejects claims 4-5 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses the rejection for the following reasons.

The Office Action alleges that "it is unclear as to how the first and second sector shaped cams can rotate at shifted phases or at shifted timing when both the clincher mechanisms (one for each cam) are connected to the same table that holds the movable clincher," is not described in the specification. Applicant respectfully disagrees. Applicant references the "left and right

clinch cams” at least at page 13, lines 1-13 of the specification. As the “shifted phases” feature, as shown in new Figs. 13 and 14, is fully enabled by the specification, one of ordinary skill in the art would have understood that these portions of the specification support claims 4-5.

Furthermore, it is respectfully submitted that Applicant’s specification enables one of ordinary skill in the art to make and use the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

All Subject Matter Complies with 35 U.S.C. § 112, second paragraph

Claims 3-5 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses the rejection for the following reasons.

The Office Action alleges “it is unclear as to what is meant by the terms ‘the same phase’ and phases that are shifted,” as well as the term “shifted timing.” Applicant respectfully disagrees. One of ordinary skill in the art would know that the terms “same phase” and “shifted timing” refer to mechanical operations that occur at either the same or different intervals of time. Figs. 13 and 14 show the left and right clinch cams discussed at least on page 13, lines 1 through 13 of the specification. The Figs. 13 and 14 demonstrate that the concave portions of the clinch cams are engaged as it rotates at shifted timing relative to each other. Moreover, the assertion that only one clinch lever is shown in the drawings does not mean that there is not a parallel clinch lever on the opposite side of the device. In fact, the drawings and specification clearly show that the clinch mechanism and table lock mechanism are shown on each side of each figure. See Figs. 1, 2, 6, 13, and 14 of the specification. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

All Claims Comply With 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Mochizuki*.

Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Mochizuki* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Independent claim 1 recites, in part, "a fixing pin projecting on a side surface of the table link; a fixing plate slidable with respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state." Thus, *Mochizuki* fails to teach or suggest at least these features of claim 1.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Mochizuki* does not teach or suggest each feature of independent claim 1.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Udagawa*. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Udagawa* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Independent claim 1 recites, in part, "a fixing pin projecting on a side surface of the table link; a fixing plate slidable with respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state." These features

are not found in *Udagawa*. Thus, *Udagawa* fails to teach or suggest at least these features of claim 1.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Udagawa* does not teach or suggest each feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claim 2 is also allowable insofar as it recites the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

All Claims Comply With 35 U.S.C. § 103(a)

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Udagawa*. Applicant respectfully traverses the rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The Office Action has not established a *prima facie* case of obviousness at least because *Udagawa*, whether alone or in combination, fails to teach or suggest all the recited features of independent claim 1. Independent claim 1 recites, in part, “a fixing pin projecting on a side

surface of the table link; a fixing plate slidable with respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state.” Thus, as demonstrated above, *Udagawa* fails to teach or suggest at least these features of claim 1.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. Because *Udagawa*, whether taken alone or in combination, fails to teach or suggest each feature of independent claim 1, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claim 3 depends from independent claim 1. Accordingly, claim 3 is also allowable because of the additional features it recites and the reasons stated above.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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